IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HON'BLE THE CHIEF JUSTICE MR.H.L.DATTU
&
THE HONOURABLE MR. JUSTICE K.T.SANKARAN

THURSDAY, THE 24TH MAY 2007 / 3RD JYAISHTA 1929

WA.No. 1171 of 2007()

AGAINST THE ORDER IN WPC.9461/2007 DATED 27.03.2007
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APPELLANTS/ RESPONDENTS:
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1. THE EXCISE INSPECTOR,
   EXCISE RANGE OFFICE, KUMBALA.

2. THE COMMISSIONER OF EXCISE,
   GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM.

3. THE STATE OF KERALA,
   REPRESENTED BY THE CHIEF SECRETARY TO THE
   GOVERNMENT, GOVERNMENT SECRETARIAT,
   THIRUVANANTHAPURAM.

   BY SR. GOVERNMENT PLEADER SMT. MEERA.

RESPONDENT/PETITIONER:

M/S. KANCOR INGREDIENTS LIMITED,
REPRESENTED BY SHRI JACOB JOHN, SENIOR MANAGER-HR,
XVII/138, KANAKKANKADAVU ROAD, ANGAMALY SOUTH,
PIN-683 573.

BY ADV. SRI.K.SURENDRA MOHAN

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 24/05/2007, ALONG WITH W.A. 1172 OF 2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

H.L. DATTU, C.J. & K.T. SANKARAN, J.

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W.A. Nos. 1171 AND 1172 OF 2007

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Dated this the 24th May, 2007

J U D G M E N T

H.L. Dattu, C.J.:

Since the issues involved in these two cases are common, these appeals are heard and disposed of by a common judgment.

2. Revenue, being aggrieved by the interim orders passed by this Court in Writ Petitions Nos. 9426 and 9461 of 2007 dated 27th March, 2007, is before us in these appeals.

3. Learned Government Pleader appearing for the Revenue would submit that the learned single Judge was not justified in granting the interim order as prayed for by the petitioners. In support of her contention, learned counsel has taken us through several provisions of the Abkari Act and also the Kerala Abkari (Disposal of Confiscated Articles)Rules, 1996.

4. Learned counsel appearing for the contesting respondents sought to justify the impugned order. But after knowing the mind of the

court, thought it fit to submit before us that for the present he would not be requesting the respondents to implement the interim order passed by this court.

5. In view of the submissions made by the learned counsel for the contesting respondents at this stage, in our opinion, it may not be necessary for us to go into the merits or de-merits of the contentions canvassed by the learned counsel for the parties. Learned counsel for the contesting respondents also submits before us that he may be permitted to request the learned single Judge to take up the Writ Petitions for hearing out of turn.

6. In our opinion, the request made by the learned counsel for the contesting respondents can be granted, since no prejudice would be caused to the Revenue.

7. In view of the above, without expressing any opinion on the merits or de-merits of the cases, the Writ Appeals are disposed of. The submission made by the learned counsel for the contesting respondents is placed on record.

8. Learned counsel for the contesting respondents is permitted to request the learned single Judge to hear the Writ Petitions out of turn. If and when such a request is made, we request the learned single Judge to consider the same.

With these observations and directions, Writ Appeals are disposed of. Ordered accordingly.

H.L. DATTU,
CHIEF JUSTICE.

K.T. SANKARAN,
JUDGE.

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